

# The Evangelical Party and the Eldership in General Assemblies, 1820-1843

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The General Assembly of 1820 reflected the continuing division of the previous 60 years within the courts of the Church of Scotland between the Moderate and Evangelical parties. However, its structure and the social pattern of its elders, who attended as commissioners, had much longer roots extending back to the 17th century. The 19th-century elders holding commissions from the 78 home presbyteries and the church in India, the five universities and the 67 royal burghs were the successors of the post-Reformation commissioners of shires (replaced by nominees of presbyteries during the Covenanting period), the "doctors" of the colleges, and the elected commissioners of the burghs.<sup>1</sup> The Glasgow Assembly of 1638 had reinforced support for the National Covenant by ordering that each presbytery should send one baron or elder as well as up to three ministers to the Assembly in conformity with a long-disregarded act of 1597 passed during the time of Andrew Melville's influence on the government of the church. Yet in social terms this period also saw the emergence of two distinct types of elder: the parish elder, concerned with small, local affairs at kirk session level; and, as Robert Baillie put it, "the most qualified noblemen, gentlemen and burgesses" that the area could "afford" who sat in the higher courts of the Kirk.<sup>2</sup>

The pattern of the higher courts as the preserve of the upper classes in their elder representation continued from 1690 in the restored presbyterian establishment. During the following century many of the great landed magnates ceased to attend the Assembly, either through their adherence to episcopacy or simply because they were no longer attracted to a body of waning political influence, and by the 1820s the Assembly was dominated by a more diversified ruling establishment in the wider secular sense. Assemblies of the next decade were headed socially by a very small group of peers — the marquesses of Huntly and Tweeddale, the earls of Aboyne and Fife, and Lord Belhaven — reinforced by a larger group of large and small lairds and a

<sup>1</sup> D. Shaw, *The General Assemblies of the Church of Scotland, 1560-1600* (Edinburgh 1964), 97-115.

<sup>2</sup> D. Stevenson, *The Scottish Revolution, 1637-44* (Newton Abbot 1973), 107-8; W. Makey, "The Elders of Stow, Liberton, Canongate and St Cuthbert's in the Mid-17th Century", *ante*, xvii (1969-71), 158.

strong phalanx of judges of the Court of Session. But the dominating social group were the lawyers, the ubiquitous "men of business" of the Scottish political and social establishment. The Assembly of 1820 had 133 elders entered on its roll of whom 72 (including nine judges) were lawyers. Even more significant is the fact that these men were not country "writers" resident in their home presbyteries and burghs but were almost all Edinburgh members of the metropolitan legal corporations, the Faculty of Advocates and the Society of Writers to the Signet. During the period from 1820 to 1832 when the Moderate party could muster a majority for votes on the issues dividing them from Evangelicals, the proportion of lawyers in the Assembly fluctuated between 50 and 60 per cent, and only in 1832 were the lawyers marginally less than half the total of elders at 48 per cent; and in the same period the proportion of Edinburgh lawyers in the group was a constant 97 to 98 per cent.<sup>3</sup>

It could be argued on a simple statistical basis that the Scottish aristocracy and landed gentry took less direct interest in assemblies where their representation from 1820 to 1832 varied between a quarter and a third of the eldership. Many of the lawyers, however, were their representatives or even members of their own class, for in the same period between 22 and 33 per cent of the lawyers were themselves landowners or heirs to landed estates, and many others were probably men of business to landed families, an occupation in which the solicitors of the Signet Society in particular were heavily engaged. Thus, it is justifiable to talk of an organic landed/legal interest in the Assembly, a group with a high degree of social cohesion. Over 80 per cent of the elders of 1820 belonged to this aggregate group, and there was little change in the situation in 1832 when 77 per cent of the elders were landowners or lawyers.

Contemporary comment dwelt heavily on the pervasive presence of the Edinburgh lawyers. Their anxiety to gain seats was marked, especially in the case of the advocates, whose skills as professional pleaders could be exercised in the only national public forum in Scotland outside the confines of the law courts. Henry Cockburn commented that a seat in "the only established popular assembly then in Scotland was a common ambition with such lawyers, whether at the bar or on the bench, as were anxious about a certain description of party affairs and had no aversion to opportunities of display".<sup>4</sup> J. G. Lockhart remarked on the

<sup>3</sup> Statistics quoted in this paper are derived from the manuscript rolls of Assembly commissioners in the "Registers of Acts" series, S[cottish] R[ecord] O[ffice], CH1/1/78-91; for more detailed tables and references see I. F. Maciver, "The General Assembly of the Church, the State, and Society in Scotland: Some Aspects of their Relationships, 1815-1843", M.Litt. thesis, University of Edinburgh 1977, 236-49 (henceforth cited "General Assembly").

<sup>4</sup> H. Cockburn, *Life of Lord Jeffrey* (2nd edn., Edinburgh 1852), i, 179-80.

presence of "so many juvenile advocates to whom . . . their respective Presbyteries and Boroughs in the country had entrusted the duty of representing them";<sup>5</sup> and many ambitious young advocates were said to nourish hopes that "their practice may extend with their fame" by exposure in the Assembly.<sup>6</sup> But as Cockburn hinted in his comment, many lawyers, including judges, were strong partisans of the rival church parties and the fact that a majority of the Edinburgh advocates and solicitors followed Lord President Charles Hope and Lord Justice Clerk Boyle in their open support of the Moderate party created strong suspicion of the Edinburgh lawyers as a group in the minds of many Evangelicals.

Elders returned as commissioners were nominated annually, but those selected by presbyteries and, to a lesser extent, the burgh nominees, enjoyed considerable security of tenure and could develop an almost proprietorial attitude to their commissions. Nor was this attitude confined to Moderates: in 1834 the Evangelical banker, Robert Paul, wrote indignantly to Thomas Chalmers that his friend Mr William Young, W.S. had been "shamefully thrown out by the Presbytery of Linlithgow which he has for some years represented in the Assembly" in favour of Robert Bauchope, the factor of the Duke of Hamilton.<sup>7</sup> Obviously Paul and his friend were considerably upset by the sudden ejection of Young from his regular seat.

In more general terms, however, the election procedures of the Assembly before the Evangelical victories of 1834 were a very obvious target for reform-minded members of the party. The act of Assembly of 1816 "anent Ordination of Elders" was conveniently accommodating, making it possible for absentee heritors (usually landowners or their heirs) to qualify if they had merely a six-week annual residence in the parish and had obtained a certificate to this effect from the parish minister, both easy conditions to fulfil.<sup>8</sup> Challenges to commissions, usually made for party reasons, reveal just how the regulations were observed — or otherwise. In 1826 the Edinburgh lawyer and laird of Riccarton, James Gibson-Craig, had his commission disputed, on the ground that his attestation as an elder was not up to date, but the Assembly (possibly fearing wholesale decimation of the roll of elders if the issue was pressed) made the extraordinary statement that:

"it is not denied that Presbyteries have an undoubted right to demand a certificate annually, but in respect that the

<sup>5</sup> [J. G. Lockhart], *Peter's Letters to His Kinsfolk*, vol. 3 (Edinburgh 1819), 58.

<sup>6</sup> *Scots Magazine*, New Series, x (1822), 663.

<sup>7</sup> Chalmers Papers, New College Library (henceforth C.P.), Robert Paul to Chalmers, 10th April 1834.

<sup>8</sup> *Acts of the General Assembly, 1638-1842* (Edinburgh 1843), 952.



practice is not usually adhered to and in the peculiar circumstances of the case, the Assembly agree to sustain the commission."<sup>9</sup>

In such a situation it is not surprising that only really blatant cases were seriously questioned, one such being the commission of Alexander Finlay, factor of Lord Douglas and the nominee of Lanark presbytery in 1830. Finlay was strongly objected to on the grounds that he was well known to be an episcopalian and had been ordained with indecent haste by the kirk session of Douglas only a month before Assembly. Dr John Cook of St Andrews got round the dilemma for his Moderates by nimbly proposing that they should wait for Finlay to take his seat and then examine him on the matter, avoiding party division and deterring Finlay, whose name does not appear on the official roll.<sup>10</sup>

Individuals who were unable to find a presbytery to give them their franchise could have recourse to the oligarchic councils of the royal burghs, and it was the burgh returns that absorbed most of the colourful flavour of contemporary secular politics. Property qualifications could be bought unashamedly in burghs which demanded that their elder should be a burgess or heritor, a process exposed in 1834, when a detailed explanation of how the Edinburgh lawyer Allan Maconochie obtained his qualification for Linlithgow was recorded following objections to his commission. Maconochie had received word that his legal qualification was being questioned by a rival's supporters on the town council, and acted by instructing "two legal gentlemen to procure for him an indisputable qualification; and they entered into a transaction whereby a heritable proprietor in the burgh executed a deed conveying to Mr Maconochie certain subjects within the burgh, in consideration of a certain sum to be received from him". In spite of an objection that "this transaction was altogether a simulate one", a majority of the council upheld Maconochie's selection, and having taken care to complete his title by infeftment in the property and payment of the money, the Assembly sustained his commission.<sup>11</sup> In fact such contrived commissions were rejected rarely, the only danger being legal slackness in failing to ensure that the presbytery ratified the commission in due time for Assembly.

In the 1820s even leading Evangelicals could not escape this undignified process. During his professorship at St Andrews, Thomas Chalmers was excluded from return to Assembly by his Moderate presbytery or university and had recourse, rather uncomfortably, to his native burgh of Anstruther Easter,

<sup>9</sup> Report of Assembly proceedings, *Scotsman*, 24th May 1826 (p. 326).

<sup>10</sup> *Ibid.*, 26th May 1830 (p. 335); roll of members in S.R.O., CH1/1/81.

<sup>11</sup> Assembly proceedings, 23rd May 1834, in *Presbyterian Review*, v (1834), 387-9.

employing as canvassers his brother, Charles, and a local writer, Matthew Conolly. The "bodies" of Easter Anstruther, who, Charles Chalmers warned, would be offended if Thomas declined their franchise in favour of another burgh,<sup>12</sup> obviously exacted the full traditional treating expected of a successful candidate from their famous brother-townsmen. Chalmers, sitting as an elder like many university ministers, represented Anstruther from 1823 to 1828,<sup>13</sup> but from the outset he had faced some local opposition,<sup>14</sup> and his agent had to ensure that the dining and refreshment of the council was sufficient to quell any attempt to introduce a rival nominee. However, despite a unanimous nomination in 1828,<sup>15</sup> the resulting innkeeper's bill of £19 2s. 9d. "for entertainments at choosing Elder" dismayed Conolly and probably hardened Chalmers' resolve to abandon his troublesome seat. Conolly wrote apologetically that "in 1825 I see the charge is £6 8s. 1d. — 1826 £5 11s. 8d. etc.", while in the more frugal burgh of Crail, where he handled a similar election he "allowed £2 2s. 0d. and it furnished a comfortable supper and sufficiency of drink to 21 persons".<sup>16</sup> Clearly appetites were larger in Anstruther, where one expense on Chalmers' bill was incurred when "the Bailie sent for six bottles of Strong Gin which was drunk in the town house & with bread the bill came to 36s." Conolly observed defensively that Anstruther "when compared with other Towns . . . is most exorbitant";<sup>17</sup> but this episode, worthy of the pen of John Galt, is probably not untypical of the smaller burghs. Almost 10 years later the Evangelical paper manufacturer, Charles Cowan, recorded that after his return as elder for the burgh of North Berwick he had to follow the past custom of his Moderate rival in treating the council to supper at the cost of £12 including 10 shillings and sixpence for a fiddler.<sup>18</sup>

Possibly the nominations of Assembly elders by presbyteries were less convivial occasions, but they could turn into operations of Byzantine complexity. One very well documented canvass was that in 1825-6 by the leading Evangelical, Alexander Dunlop, then a young advocate, to be returned by the Presbytery of Dumbarton with the aid of his friend, Robert Storey, minister of Roseneath, assisted by the celebrated John McLeod Campbell of Row. Storey began to prepare the ground for Dunlop's return to the 1827 Assembly towards the end of 1825 with an ingenious plan that Storey hoped could secure Dunlop a possible seat in 1826 also, by circumventing the informal pact in the presbytery to

<sup>12</sup> C.P., Charles to Thomas Chalmers, 9th February 1823.

<sup>13</sup> S.R.O., CH1/1/79-81.

<sup>14</sup> C.P., Charles to Thomas Chalmers, 1st March [1824].

<sup>15</sup> *Ibid.*, Cha. 4.91.48, M. F. Conolly to Chalmers, 20th March 1828.

<sup>16</sup> *Ibid.*, Cha. 4.91.49, same to same, 23rd April 1828.

<sup>17</sup> *Ibid.*, Cha. 4.91.51, 6th May 1828.

<sup>18</sup> C. Cowan, *Reminiscences* (Edinburgh 1878), 284.

return alternate Moderate and Evangelical elders. "Now", he explained to Dunlop, "it is understood that next year [1826] the Moderates will have the nomination. . . . My plan . . . is that you should get yourself proposed by a Moderate person — you will meanwhile calculate on the support of all the *Wild* [i.e. Evangelicals] — while at the same time . . . we reserve to ourselves the right of proposing you again as *our* man also." Yet one obstacle to the scheme was the common desire of the leading Moderate minister, George Sym of New Kirkpatrick, "a very snell ecclesiastical politician", and the Evangelical chief, William Hamilton of Strathblane, to uphold the convention "by which a true blue orthodox man may alternate with a Moderate elder"; and the complex manoeuvrings of Dunlop's friends foundered in 1826 with the sudden withdrawal of a rival Evangelical candidate, Sir James Dennistoun, and a trial of party strength in the presbytery on the burning issue of "pluralities" (the simultaneous holding of a church parish with a university chair), giving the Evangelicals a crushing victory and destroying Dunlop's bipartisan support. Following these events the presbytery returned another claimant, Dunlop's fellow-advocate and Evangelical, Graham Spiers.<sup>19</sup>

As the preceding examples demonstrate, the return of a burgh elder could involve the creation of a "faggot" qualification as in contemporary secular politics, and was often followed, as custom demanded, by a treating of the town council, again a pale reflection of the largess expected in political elections. Even in the more discreet presbyteries much complex canvassing could be necessary, and both in burgh council and church court the Evangelical elder could be forced by shortage of available seats into competition with a man of his own views. It is worth noting that in both the Chalmers and Dunlop cases cited above the rival candidates were Evangelicals, in Chalmers' case the later Whig M.P., Andrew Johnston.

The ministers who led the Moderates in the Assembly were heavily representative of the academic ministry in the universities, and they monopolised almost all the college seats during the period of this study (Principal Daniel Dewar of Marischal College excepted), forcing academic Evangelicals like Chalmers and David Welsh<sup>20</sup> to cast about far and wide for seats. A much higher proportion of leading Evangelicals than Moderates were drawn from the parish ministry, and the former, who were often in presbyteries observing a rota for return to Assembly, felt themselves under-represented as their strength increased. Henry Cockburn, speaking of the 1820s, blamed "this single

<sup>19</sup> National Library of Scotland, MS. 9254, ff. 74-102, Rev R. Storey to A. Dunlop, Nov. 1825-Mar. 1826.

<sup>20</sup> David Welsh, Professor of Church History at Edinburgh, sat as the elder of the Presbytery of Lewis from 1835 to 1842: see S.R.O., CH1/1/83-90.



circumstance" for having "dislocated their force and prevented their being regularly represented and led by their own chiefs".<sup>21</sup> Therefore, it is not surprising that natural frustration combined with a growing feeling among the more radical Evangelicals that not only should lay patronage be drastically reformed or even abolished, but that the eldership of the Kirk should be made strong and effective also by the creation of a body of active men in the higher courts to replace those that they considered to be returned for reasons of social convention or local prestige.

The main issue between Moderates and Evangelicals in the 1820s was not patronage but the attack of the latter party on the practice of pluralities, and this assault had the advantage of combining a blow at the Moderates, whose leaders were almost all "pluralists", with the enlisting of support from political liberals anxious to sweep away all sinecures in church and state. The voting on the issue, however, in the assemblies of 1825 and 1826 provided clear evidence of the hostility to change of a majority of sitting elders. As a former Glasgow elder of Chalmers complained, while in 1825 the ministers had shown that they were not averse to a curb on pluralities (they had voted 75 to 73 for the anti-plurality motion), the defeat of the reformers was owing to:

"Edinburgh lawyers and others of similar views . . . who from year to year sit in the Assembly as elders without ever doing or having done one duty that belongs to that office . . . if instead of *Ruling* elders our Presbyteries would send up Working elders, we might, and would, lose something in the point of Legal knowledge and Acumen, but we would gain much in practical knowledge both of the conduct and wants of the people."<sup>22</sup>

This comment can be checked against voting lists published at the time, and indeed it can be shown that in 1826 68 per cent of the landed/legal group voted against restriction of pluralities, and 88 per cent of the total pro-pluralist elder vote came from this source.

That this Glasgow protest was not isolated is clear from the number of pamphlets and articles written by radical Evangelicals to press for reform of the eldership. Some fall into the category of squibs, for example the anonymous author of 1825 who alleged that the pious and the profane were sent indiscriminately to Assembly, and, attacking the "indolent supineness" of Evangelical ministers who condoned the continuation of a Moderate ruling eldership, cited as his worst example the surprise of the Marshal of the royal household during George IV's visit "when he perceived that renowned rake the Earl of ———,

<sup>21</sup> H. Cockburn, *Memorials of My Time* (Edinburgh 1874), 200; see also *Scottish Guardian*, 30th April 1839.

<sup>22</sup> C.P., Cha. 4.50.11, J. Thomson to Chalmers, 14th June 1825.

arrayed in his kilt and broadsword, present himself before his Majesty at Holyroodhouse as a constituent part of the General Assembly commission".<sup>23</sup> Most comments, however, concentrated on detailed proposals for reform. Robert Burns of Paisley, while attacking the Moderates for running down the eldership in the country, focussed his effort on the theme of lack of real "working" elders in the Assembly, estimating that the proportion of "nominal" to "real" elders was "somewhat more than three to one".<sup>24</sup> Another frequent advocate of reform, while editor of the Evangelical *Scottish Guardian* newspaper, was George Lewis, later minister of St David's, Dundee. Lewis, like Burns, approached the subject from the anti-patronage standpoint, claiming that lack of a voice in the choice of a pastor had led men to cease to value the eldership, but adding too a protest against nominal elders:

"It is notorious that Presbyteries rarely send up the elders who constitute the present parochial sessions as representatives to the General Assembly. Passing by their natural claims and despising the work of their own hands, they send up *nominal* elders — a class unknown to our ancestors — who receive a spiritual office in order to enjoy its honours without discharging its duties; noble lords, young lawyers of Edinburgh, country gentlemen, who neither attend sessions nor visit the sick . . . and who for the most part ignorant of the ancient constitution of the Church, and careless of its honour and efficiency — by their speeches and votes perpetrate its worst abuses."<sup>25</sup>

Specific proposals were formulated by the Edinburgh periodical, the *Presbyterian Review*, a vehicle for Alexander Dunlop and a group of younger radical Evangelicals. Dunlop advocated a stronger act than the lax measure of 1816 to ensure that only *bona fide* "acting" elders would sit in Assembly, and, at parish level, the full popular election of all elders.<sup>26</sup> Backed by overtures pressing for eldership reform, the Assembly of 1834 appointed a committee headed by Dunlop to report on the question. The Moderates were alarmed at any moves towards popular election. One of their periodicals admitted that the law of 1816 was too selective, but showed great anxiety that it should be kept as an instrument of exclusiveness in the case of ruling elders in presbyteries, synods and Assembly. The writer noted that in Evangelical-dominated presbyteries "the majority of their

<sup>23</sup> Anon., *Hints for the Consideration of the Orthodox Clergy* (Edinburgh 1825), 15-18.

<sup>24</sup> R. Burns, *Hints on Ecclesiastical Reform Addressed to the Lay Eldership* (Paisley, 1831), 11-16, 21-2, 42.

<sup>25</sup> [G. Lewis] *The Eldership of the Church of Scotland as it Was, Is, and May Be Again* (Glasgow 1834), 7.

<sup>26</sup> *Presbyterian Review*, vi (1834-5), 172-7.



Commissioners may be considered as belonging to the *urban* section of the community. The aristocracy are everywhere in the course of being supplanted by this class . . .", and this process "would substitute for an old and cautious-minded proprietary, the fiery, speculative, change-loving theorists, who have lately distinguished themselves amongst our burghal population", who, while acceptable in kirk sessions, "we would not trust . . . as legislators".<sup>27</sup>

Many more socially conservative Evangelicals shared these fears, and their reaction can be seen in responses to the proposals from 1835 to weed out nominal elders and to introduce popular election. In that year, discussion of Dunlop's eldership report was interrupted by the Auchterarder case, and Lord Moncreiff, a conservative Whig and leading Evangelical, combined with Dr Cook to postpone discussion.<sup>28</sup> In 1836 the long and elaborate report of the eldership committee provoked a stormy debate. Dunlop's proposals to give the new burghs created by the municipal reforms of 1833 the right to return elders, and to confine electors in the old royal burghs to Established Church councillors and the town sessions, were opposed by Lord Moncreiff and shelved. Dunlop also abandoned the proposal to give communicants the right to propose a leet of candidates for parochial eldership, but he was determined to carry the issue of stricter qualifications for ruling elders in the higher courts, which was carried narrowly by seven votes, this in itself pointing to lack of unanimity among Evangelicals.<sup>29</sup>

In 1837 the movement suffered a similar check when Dunlop's motion in favour of congregational election was defeated by 23 votes, Lord Moncreiff expressing a fear that popular election would lead to "the total destruction of the eldership and to the banishment of some class [of elders] from the sessions".<sup>30</sup> A voting list for this division has not been traced, but a major vote in 1841 on the issue of abolition of patronage isolates a group of 31 Evangelical elders opposed to the abolitionist view, making up one third of the total elders said to belong to the party in the Assembly,<sup>31</sup> and this is probably a similar constituency to that opposed to radical reform of the eldership. However, the charged atmosphere created by the conflict between the Assembly and the civil courts was making the former more radical, and this aided the passage of an act "anent ordination of elders" in 1842

<sup>27</sup> *Church Review*, i (1836), 107-9.

<sup>28</sup> Assembly proceedings, 29th May 1835, in *Presbyterian Review*, vii (1835-6), 104-5.

<sup>29</sup> *Report of the Committee of Assembly . . . Relating to Elders* (Edinburgh 1835), 4-10; debate on report in *Presbyterian Review*, viii (1836), 387-401.

<sup>30</sup> *Ibid.*, x (1837-8), 145, 148.

<sup>31</sup> Division list in J. Baillie, *Report of the Proceedings in the General Assembly* (Edinburgh 1841), 352-60.

establishing a form of popular election by congregational meet. It is significant that the measure shared the fate of the more celebrated attempt to circumscribe lay patronage of clerical office in the "Veto Act" of 1834, being set aside after the Disruption in favour of restored self-election by the kirk sessions in the Established Assembly of 1845,<sup>32</sup> followed by the complete repeal of the 1842 act the following year.<sup>33</sup>

It is clear, therefore, that most Evangelicals supported policies for the reform of the eldership as well as the ministry of the church, and they did succeed in carrying measures between 1834 and 1843, though only to see the new structure dismantled after the Disruption. But how far did the radicals achieve their aim of making the Assembly more socially representative of an expanded local eldership by replacing paper elders with activists, and removing the gentry or lawyers they regarded as attending only for social display or business promotion?

Although between one third and two fifths of elders were returned by burghs, prior to 1834 only about 20 per cent were local officials, merchants, bankers or other professional men. The smaller burghs were often content to nominate a local laird, or, more frequently, an Edinburgh lawyer, though the latter was sometimes a heritor or had some connection of birth or business with the district. It is clear that the situation quickly changed after the extension of the burgh franchise in 1833, and the reformed burghs showed themselves far readier to return local residents; and it is a symptom of this change that the number of lawyers in Assembly declined from 48 per cent in 1832 to 33 per cent in 1836. At the same time the social composition of the presbytery elders was changing too, as the *Scottish Guardian* noted with surprise in the same year, when it reckoned that 21 of the latter had voted for abolition of patronage though the presbytery group "usually consists of men of property, and usually connected with the landed interest".<sup>34</sup> As far as the general trend of all elders is concerned, the period from 1834 to 1842 saw a marked fall in the proportion of the traditional landed/legal element. In 1834 lawyers made up 44, and landowners and lawyers combined 70 per cent of elders, but by 1842 the proportions had fallen to 24 and 49 per cent respectively, while in the same period the numbers of business, mercantile and other professional men had risen from 25 to 38 per cent, and the total proportion of elders not landlords or lawyers to 51 per cent.

The Edinburgh lawyers suffered most from this change, though advocates and members of the other legal corporations of the city still made up almost 80 per cent of the depleted legal

<sup>32</sup> *Acts of the General Assembly* [1842] (Edinburgh 1842), 23; *ibid.* [1845], 27-8.

<sup>33</sup> *Ibid.* [1846], 17.

<sup>34</sup> *Scottish Guardian*, 31st May 1836.

group in 1840. The proportion of landlord lawyers also dropped from 25 to 30 per cent before 1834 to proportions varying between 19 and 11 per cent from 1836 to 1842, and the "aristocratic" Faculty of Advocates lost more representatives than the Writers to the Signet, though this could reflect also the clash of the Assembly and the Court of Session, and a decline in the business and prestige of the Edinburgh bar.<sup>35</sup> The Evangelicals, however, had important support from an influential group of Edinburgh advocates and writers, who took a lead in Assembly speeches and business. In 1835 the Solicitor-General, John Cunninghame, noted a group of Evangelical advocates he called the "very godly" to distinguish them from those labelled as "impartial, nominally Churchmen";<sup>36</sup> and this group of largely Whig lawyers was active and prominent, but a minority in Edinburgh legal society.

Equally, Evangelical landlords continued to play a conspicuous rôle as individuals, and nine of the 21 laymen enshrined in *Disruption Worthies* were lairds.<sup>37</sup> But the marquess of Breadalbane was the only aristocratic magnate to join the Free Church. Only five of the landlords of Evangelical sympathies who can be shown to have supported the Free Church publicly in 1843 can be regarded as large landowners, and over half of the 71 pro-Free Church lairds identified seem to have had estates of under 1,000 acres.<sup>38</sup> A comment in an Evangelical newspaper in 1842 that they had more friends among the minor than the major landlords, a "compact body of opposition" among lairds and a "majority of enemies" among the aristocracy, is a fairly accurate summary of the situation.<sup>39</sup>

Study of the social voting patterns of Evangelical elders after 1834 is complicated by several factors not present in the more static situation of the previous decade. The party enjoyed majorities in a greater number of presbyteries and were able to provide more seats for their own landed or legal supporters. As a result, over 63 per cent of their elder vote on the calls (Veto) motion in 1834, and 42 and 43 per cent respectively in the crucial votes to suspend the rebel ministers of the Presbytery of Strathbogie in 1841, and to approve the Claim of Right in 1842, came from landowners and lawyers. Another complicating factor was the opportunity seized by the "Voluntary" opponents of an established church, who were bitterly hostile to the Evangelicals, notably for their determined campaign for state endowment of new urban churches in competition with dissenters, to strike at the latter through the burgh representation in Assembly. By 1841

<sup>35</sup> I. F. Maciver, "General Assembly", 93-5.

<sup>36</sup> Dalhousie Muniments, S.R.O., GD45/14/625, J. Cunninghame to Fox Maule, 16th June 1835.

<sup>37</sup> J. A. Wylie, *Disruption Worthies: A Memorial of 1843*, (Edinburgh 1881).

<sup>38</sup> I. F. Maciver, "General Assembly", 106-8, 245-9.

<sup>39</sup> "The Lairds and the Aristocracy", in *Aberdeen Banner*, 2nd April 1842.



this process, gleefully reported in the Voluntary press, was proceeding on some scale: the Voluntary *Scotsman* reported operations in Edinburgh, Glasgow, Perth, Stranraer and Inverkeithing,<sup>40</sup> and by May 1841 the Evangelicals estimated a loss of 15 burghs either by the election of Moderates by Voluntary votes or alleged deliberate failure to return an elder.<sup>41</sup>

The voting pattern bears out this narrative of setbacks. In 1834 over 80 per cent of burgh elders voting had supported the Veto Act; 60 per cent backed the libelling and suspension of the Strathbogie ministers, but in 1842 the burgh men split evenly on the Claim of Right, and in 1843 only 36 per cent seceded to the Free Church. While Dunlop stated with relief in 1841 that "we gain considerably more on the Presbytery elders than we lose in the burghs",<sup>42</sup> the formation of a "Middle Party" in the following year removed a large minority opposed to secession from the old Evangelical party, and, combining with the continued loss of burgh votes, deprived the intending Free churchmen of withdrawal as a majority in 1843.

The Evangelicals, however, enjoyed to the end the support of a majority of the middle-class elders, who were largely business and professional men. In the Veto, Strathbogie and Claim of Right votes between 83 and 73 per cent of this group voted in their favour. The Disruption Assembly of 1843 was constitutionally chaotic, with 12 presbyteries anticipating the breach by returning two rival sets of commissioners,<sup>43</sup> but including all the rival elders it is clear the Middle Party losses among ministers were not repeated to the same degree among elders, and the social pattern is consistent with the previous trend: only 35 per cent of the landowners and laywers seceded while a majority of 58 per cent of the other groups left the Church.

It would be wrong to assume that Evangelicals strove consciously to make the Assembly more democratic in the modern sense of the word; elders were, and remained, nominated individuals rather than elected representatives,<sup>44</sup> and self-interest combined with zeal to push Evangelicals towards reform. Behind the imperatives of party conflict, however, lay a real desire for an active and committed eldership reflected in the Assembly by the presence of genuine labourers in the vineyard rather than nominal office-bearers.

Constitutionally the Evangelicals revived the political importance of the Assembly, and swept away a Moderate pattern of business dominated by procedure and routine rather than

<sup>40</sup> *Scotsman*, 6-7, 10, 14th April 1841.

<sup>41</sup> *Scottish Guardian*, 4th May 1841.

<sup>42</sup> Dalhousie Muniments, S.R.O., GD45/14/658, Dunlop to Fox Maule, 7th April 1841.

<sup>43</sup> R. Buchanan, *The Ten Year's Conflict*, ii, 587.

<sup>44</sup> I am grateful to the Rev Ian A. Muirhead for emphasising this point.

debate and divisions; but a politicised court was vulnerable to the pressure of Voluntary dissenters, through their influence on burgh returns, and to the effects of defiance of the civil courts which created the Middle Party schism in 1842. In social terms a large breach was made in the domination of elder representation by lairds and Edinburgh lawyers as an increasing number of middle-class, provincial elders were selected to strengthen Evangelical majorities. It is probable that one immediate effect of the Disruption was to set back the process of social change in the Established Church as the lairds rallied to its support,<sup>45</sup> but the Free Church was dependent on a strong urban eldership for its corporate existence and quickly recognised the fact by giving elders parity of numbers with ministers in all its courts. Its first Assembly of October, 1843 contained a larger, more regionally representative and socially varied eldership than its Established rival,<sup>46</sup> forcing on the process of returning activists rather than men selected more for political, social or deferential reasons.

## APPENDIX

### Elders in Some General Assemblies 1820-43

The statistics are expressed as percentages of the total elders (rounded up to the nearest full percentage, and excluding persons identified as ministers but sitting as elders): for sources see footnote 3 above.

Group A—Landowners or heirs to estates, and legal profession.  
 Group B—Other professions, merchants, bankers, manufacturers, farmers, occupations not stated or traced.

|   |   | YEAR |      |      |      |      |      |      |      |
|---|---|------|------|------|------|------|------|------|------|
|   |   | 1820 | 1824 | 1828 | 1832 | 1836 | 1840 | 1842 | 1843 |
| A | % | 81   | 79   | 84   | 78   | 65   | 59   | 49   | 57   |
| B | % | 19   | 21   | 16   | 22   | 35   | 41   | 51   | 43   |

<sup>45</sup> I. F. Maciver, "General Assembly", 113.  
<sup>46</sup> *Ibid.*, 114-16.

